

HB 750 Tribal Languages Immersion and Revitalization Programs

Mr Chairman and Members of the Committee, there are some 300 million indigenous peoples living in the world today. Indigenous peoples are those peoples descended from the original inhabitants of an area that was later colonized, settled, and constituted as a state, and who, as a consequence of that process, do not now control their own political destiny. For most of their history, indigenous peoples were completely self-determining.

Many factors contributed to indigenous peoples' loss of self-determination; most of them the result of the overarching process of state-building: violent confrontations with the European settlers, colonial and post-colonial policies of forced relocation and forced assimilation, and of course, the transmission of epidemic diseases for which indigenous peoples had no immunity.

Let me take a moment to put these developments into perspective. Conservative estimates by demographers of the indigenous population at the time the US Constitution was written and the American state founded is 10 - 12 million people living in what we now call "the lower 48." The majority lived west of the Mississippi. For the first 90 years, the settlers -- the new Americans -- were embroiled in a number of internal disputes, as well as military, political, and legal conflicts with indigenous peoples living in the territory of the original 13 states that had by that time expanded to 33.

The first census to include Native Americans was conducted in 1890 - the number was 230,000. From 10-12 million to 230,000 in one hundred years. And *most* of that population loss occurred *after* the Civil War, after 1865. So most of the deaths, particularly west of the Mississippi, occurred between 1865 and 1890, a period of 25 years.

The effects of this direct and indirect violence were most pronounced among the elderly. And in indigenous cultures, elders are the repository of knowledge; knowledge of culture, language, and spiritual practice.

Indigenous peoples were never passive in the face of conquest, and for most of the 20th century engaged in a variety of social, political, and legal strategies both within the US and internationally, and aimed not only at physical and cultural survival, but at capacity building, and individual and collective social healing. As Peter MacDonald, a World War II Code Talker and Navajo Tribal Chairman for 15 years, once said "Our lawyers are our warriors now."

The Indian Reorganization Act in 1934 marked a shift in Federal American Indian policy, one aimed at fostering economic development and political recovery not through assimilation, but self-determination. But 50 years later, a trio of social

scientists - Joseph Kalt, Manley Begay and Steve Cornell, asked the question: With 50 years of self-determination, how many successes do we have and what makes them successful?

This led to the creation of the Harvard Project on American Indian Development and their answer was this: There are only a handful success stories, but all of them showed conclusively that self-determination and economic independence rests on three things:

- A shift of control over natural resources from the BIA to the tribe
- A separation between the business and political functions of tribal organizations, and
- A system of governance grounded in traditional beliefs about authority

All of these point to empowerment, and may even seem like common sense. But I think that the last finding is particularly insightful - even profound. Tribes that are successful in becoming self-determining and economically independent have constructed institutions, tribal councils, that are consistent with their own traditional beliefs about authority; in other words, cultural continuity.

Now let me turn to another perspective. Recounting the history of Indian-settler relations in the US can make us all uncomfortable for a variety of reasons. But violence is not unique to American history. There are approximately 4000 ethnic or communal groups living in the world today, and they live within 200 states. All states, in other words, are made up of multiethnic and multicultural groups, and each is the product of a path of violence, injustice, and historical injury. Each state must evolve into a society, a network of human social relations; diverse but not divided, unity within diversity. And in my view, the United States has a unique role and responsibility to play.

Felix Cohen, a lawyer in the Department of Interior who has been called "the architect of justice" and the "father of American Federal Indian Law," described the moral significance of America's treatment of indigenous peoples this way:

The Indian plays much the same role in our American society that the Jews played in Germany. Like the miner's canary, the Indian marks the shift from fresh air to poison gas in our political atmosphere; and our treatment of Indians, even more than our treatment of other minorities, marks the rise and fall of our democratic faith.

The Forty-Fifth Session of the United Nations Sub-commission on the Prevention of Discrimination and Protection of Minorities Adopted a Draft Declaration on the Rights of Indigenous Peoples.

Article 14.

Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems

and literatures, and to designate and retain their own names for communities, places and persons.

States shall take effective measures, especially whenever any right of indigenous peoples may be affected, to ensure this right and to ensure that they can understand and be understood in political, legal and administrative proceedings where necessary through the provision of interpretation or by other appropriate means;

Article 15.

Indigenous children have the right to all levels and forms of education of the State. All indigenous peoples also have this right and the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.

Indigenous children living outside their communities have the right to be provided access to education in their own culture and language.

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Historian Helen Hunt Jackson who researched and wrote about federal Indian policy and Indian-white relations called the 19th century in the United States "the century of dishonor."

As the 20th century opened, with the indigenous population at less than 10% of its number one hundred years before - literally, decimated - Federal Indian policy focused on assimilation as a "final solution." As Richard Henry Pratt, founder of the first Indian Boarding School said and believed, it was necessary to "kill the Indian to save the man."

It was in this context that the policies aimed at destroying Native cultures, spiritual practices, and languages took place. It is time now for reconciliation and reparation in Indian-white relations. The constitutional right which guarantees freedom of religion for all Americans was denied to indigenous peoples until 1978. The right to sue in federal court denied to tribes until the dissolution of the Indian Claims Commission the same year. Numerous acts have been passed by Congress in recent decades to restore, revitalize, and recognize the inherent sovereignty, dignity, and rights of Native American Indians. Attorney Tim Coulter, Director of the Indian Law Resource Center here in Helena, says that American Indians just want the same rights everyone else wants - the right to learn and speak one's language, to engage in one's own spiritual practices, participate in one's own culture, and to enjoy jurisdiction over a resource base necessary to do these things.

Let's do our part and take some responsibility for the destruction of native languages by passing HB 750 and funding native language immersion programs in Montana. Thank you, members of the committee, and I urge a do pass vote on this bill.